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BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

MAR 27 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In Re Applications of)
)
LIBERTY CABLE CO., INC.)
)
For Private Operational Fixed) WT Docket No. 96-41
Microwave Service Authorizations and)
Modifications)
)
New York, New York)
)

To: The Commission

MOTION TO EXCEED PAGE LIMITATION

Pursuant to Federal Communications Commission ("Commission" or "FCC") Rule 1.48(b), Time Warner Cable of New York City and Paragon Communications, and Cablevision of New York City - Phase I (collectively, "TWCV") hereby request the Commission to permit TWCV to exceed the page limitation for a brief in support of an initial decision of Administrative Law Judge Richard A. Sippel (the "Presiding Judge"). The Commission limits the page length of briefs in support of an initial decision to a total of 25 pages. See 47 C.F.R. § 1.277(b) - (c). TWCV requests an extension of the page limitation to a total of 35 pages. The Presiding Judge released an initial 84-page decision in In re Liberty Cable Co., Inc. on March 6, 1998. Initial Decision, WT Docket No. 96-41, FCC 98D-1 (rel. Mar. 6, 1998) ("LD."). TWCV's Brief in Support of the Initial Decision is required to be filed by April 6, 1998. See 47 C.F.R. § 1.276(a)(1). Therefore, this motion is timely filed within ten days of the brief. See 47 C.F.R. § 1.48(b).

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TWCV requires additional pages to thoroughly address the numerous issues presented by the Presiding Judge's I.D., which was the culmination of a microwave licensing hearing that commenced more than two years ago. I.D., ¶ 2; Hearing Designation Order and Notice of Opportunity for Hearing, 11 FCC Rcd 14133 (1996) ("HDO"). The Presiding Judge partially granted a Motion for Summary Decision by Liberty and the Wireless Telecommunications Bureau, but determined that a hearing was necessary to evaluate the credibility and candor of Liberty's witnesses regarding the facts and circumstances of the premature activation of microwave paths. Memorandum Opinion and Order, W.T. Docket No. 96-41, FCC 97M-154 (rel. Sept. 11, 1997); Memorandum Opinion and Order, WT Docket No. 96-41, FCC 96M-265, n.2 & ¶ 4 (rel. Dec. 10, 1996). The hearing lasted a total of nine days and generated over 2,000 hearing transcript pages. In addition, eight witnesses testified during the hearing sessions. The substantial size of the record and the I.D. alone justify the modest page limit extension requested by TWCV. Moreover, TWCV believes that to properly discuss all issues presented in the I.D. and to provide the Commission with clear and complete reasoning for its support of the I.D. additional pages will be required. The hearing became "a thorough examination of the facts and circumstances under which Liberty prematurely activated multiple microwave paths, of its intentional lateness in notifying the Commission, and of its failure to disclose facts in the STA applications." I.D. n.13. In the I.D. the Presiding Judge examined Liberty's conduct in activating and operating microwave facilities for a period of over three years. The Presiding Judge reviewed Liberty's internal microwave procedures, as well as Liberty's practices regarding obtaining FCC authorization for its operations. The Presiding Judge also assessed Liberty's candor with the Commission, related both to its filings concerning microwave operations and its conduct

throughout this licensing proceeding. See generally, I.D.

Based on the foregoing, TWCV requests that the Commission issue an order granting TWCV's request for an enlargement of the page limitation to 35 pages for its brief in support of an initial decision. TWCV has no objection if the other parties are granted equal enlargements.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Debra A. McGuire, hereby certify that a copy of the foregoing Motion to Exceed Page Limitation, filed by Time Warner Cable of New York City, and Paragon Communications, and Cablevision of New York City -- Phase I, was served, via facsimile or hand delivery, this 27th day of March, 1998 upon the following:

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